

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

MARK W. DOBRONSKI,

Plaintiff,

Case No. 23-CV-10331

v.

TOBIAS & ASSOCIATES, INC., *et al.*, Judge Levy

Defendants.

Magistrate Judge Patti

**MOTION OF DEFENDANTS TOBIAS & ASSOCIATES, INC.,
MICHAEL TOBIAS, ROBERT PHILLIPS AND JESSE VENTURA TO
DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT
TO RULES 12(b)(6) AND 8(a)(2) OF THE FEDERAL RULES OF CIVIL
PROCEDURE**

Defendants, Tobias & Associates, Inc., Michael Tobias, Robert Phillips and Jesse Ventura, respectfully move the Court for an Order dismissing Plaintiff Mark W. Dobronski's First Amended Complaint (ECF No. 47) pursuant to Rules 12(b)(6) and 8(a)(2) of the Federal Rules of Civil Procedure. The First Amended Complaint fails to correct all pleading deficiencies as directed by the Court's Order. (ECF No. 46)

In support of this Motion, Defendants submit an accompanying Brief in Support.

LOCAL RULE 7.1 STATEMENT OF CONFERRAL

In accordance with Local Rule 7.1(a), Attorney Lisa Messner, as counsel for Defendants, Tobias & Associates, Inc., Michael Tobias, Robert Phillips and Jesse Ventura, certifies that she conferred with Mark W. Dobronski via telephone on April 24, 2024 about this Motion. Mr. Dobronski advised he intends to oppose this Motion and is not in concurrence with the same.

Dated: April 25, 2024

Respectfully submitted:

s/ Lisa A. Messner
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JOELSON ROSENBERG, PLC
By: /s/ David W. Warren
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*Attorney for Defendants,
Tobias & Associates, Inc., Michael
Tobias, Robert Phillips and Jesse
Ventura*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been furnished electronically on this 25th day of April, 2024, with the Clerk of the Court using CM/ECF, which will serve all parties and counsel having appeared in this matter. Additionally, the undersigned has furnished a copy of this Motion to Plaintiff, Mark Dobronski, via electronic mail and regular U.S. Mail.

s/ Lisa A. Messner